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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,082	09/22/2000	Juha S. Kinnunen	990.1234	7345

7590 10/23/2002  
Steinberg & Raskin  
1140 Avenue of the Americas  
New York, NY 10036

EXAMINER

LOPEZ, CARLOS N

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/622,082

Applicant(s)

KINNUNEN ET AL.

Examiner

Carlos Lopez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 July 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

The amendment filed on 7/29/02 has been entered as Paper No. 8.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1) Claims 1-4 and 8-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner et al (EP 0465698) in view of Egelhof et al (US 6,159,341) and in further view of Huovila et al (US 6,270,624). Turner discloses a method of making a multiply paper comprising of two web former units wherein the face of a second ply has a high amount of pulp stock fines in order to effect a greater ply-bonding affinity with a first base ply. While Turner is silent disclosing that the second ply is made from multilayer headbox. Examiner takes Official Notice that providing a second ply via a multilayer headbox is known knowledge as evidenced by Egelhof. Egelhof teaches that a multiplayer headbox (26) may be used to provide a second ply. Egelhof is silent disclosing the stock feed system of the headbox. However, Houvila discloses stock feed system for a headbox having a flow of fresh stock being divided into three component flows (5a-5c) wherein an admixture is supplied to the component flow that would make up the outer layer/face before pump (19a1). Houvila's headbox provides

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for better control of the desired chemicals and fillers to be added to a web and obviates additional storage facilities due to its single fresh stock feed system. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Houvila's multilayer headbox with Turners method of making multiply paper in order to provide a better feed control of admixtures and reduce storage facilities.

Claims 1, 5, and 8 additionally recite the speed of the board machine is higher than 1000 m/min. Applicant admission discloses that present day board machines when running at speeds higher than 1000m/min, gap formers techniques are employed in order to achieve present day speeds. While Turner is silent disclosing the claimed speeds, Turner's board machine in using a gap former technique, is capable of meeting the claimed speeds. Therefore, in view of Applicant's admission teaching that when running speeds are higher than 1000m/min. gap formers are used, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, that Turners board machine employing a gap former is also capable of running at the claimed speeds.

**2)** Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner et al (EP 0465698) in view of Egelhof et al (US 6,159,341) view of Huovila et al (US 6,270,624) and in further view of Grossmann et al US (5,607,555). Turner is silent disclosing how the first ply is made. However, Examiner takes Official Notice that providing the first ply of Turner by a headbox and gap former are well known in the art as evidenced by Grossmann et al Figure 1. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have provided

Turner's first ply via a headbox and a gap former since Examiner takes Official Notice that providing a first ply by a headbox and gap former would have been made by a well known method as evidenced by Grossmann et al.

### ***Response to Arguments***

Applicant's arguments filed 7/29/02 have been fully considered but they are not persuasive. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant argues individually the Egelhof, Grossmann, Huovila and Turner references without providing any arguments why a person of ordinary skill in the art would not be motivated to use Huovila's multilayer headbox with Turner's method of making multiply paper in order to provide a better feed control of admixtures and reduce storage facilities. Additionally the Egelhof and Grossmann references were cited to merely provide evidence of what is well known in the art, yet applicant's provides arguments alleging nonobviousness to combine the claimed references.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lopez whose telephone number is (703) 605-1174. The examiner can normally be reached on Mon.-Fri. 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (703) 308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.

  
STEVEN P. GRIFFIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700

C.L  
October 16, 2002